IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 3127 of 2005

Between:

SK. Madeena, S/o. P. Mohammad, Sub-Inspector,
R.P. Station, Renigunta, (Guntakal R.P. District), Chittoor District.

..... PETITIONER

AND

1 The Additional Director General of Police, Railways, A.P. Hyderabad.
2 The Director General AND Inspector, General of Police, A.P. Hyderabad.
3 The Superintendent of Police, Railways, Guntakal, Anantapur District.
4 The Superintendent of Police, Vijayawada, Krishna District.
5 Government of A.P., Represented by its Principal Secretary, Home Police, . Department, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of Certiorari calling for the records relating to the Judgment of the Administrative Tribunal in O.A.No. 7833 of 1999, dated 17-9-2004 read with Proc.PR No. 1/E/97-98 (RO No. 224/98), dated 22-12-1998 issued by the Additional Director General of Police, Railways, A.P. Hyderabad and its connected orders D.O.No. 416/98 (C.No. 810/A5/96), dt. 28-12-1998 and D.O.No. 64/99 (C.No. 810/A5/86), dt. 23-12-1999 issued by the Superintendent of Police, Railways, Guntakal and also the order of the Inspector General of Police, Railways, A.P. Hyderabad in C.No. 378/E/99 (R.O.No. 238/99), dated 20-12-1999 and the orders passed in Appeal by the Director General and Inspector General of

Police in T.Dis.No. 2277/T2-T4/1998, dated 22-9-2001 and set-aside the same as illegal, arbitrary, unjust and violative of Articles 14, 16 and 21 of the Constitution besides opposed to all canons of equity, justice and fair play.

Counsel for the Petitioner:MR.D.LINGA RAO

Counsel for the Respondent No.: GP FOR HOME

The Court at the stage of admission made the following :

ORDER: **(Per the Hon'ble Sri Justice G.Bikshapathy)**

-

-

This Writ Petition is filed assailing the order dated 17-9-2004 in O.A.No. 7833 of 1999 passed by the A.P. Administrative Tribunal.

2. The petitioner was working as Sub-Inspector of police, who was promoted on out of seniority basis. While so, he was issued with a charge memo alleging certain misconduct. Ultimately, enquiry was conducted and finally the disciplinary authority imposed punishment of reduction in the time scale of pay by two stages for a period of three years without effect on pension, treating the suspension period from 31-8-1996 to till the date of his reporting to duty as not on duty. Against the said order, he filed an appeal before the Appellate Authority. However he was reverted as Head Constable by order dated 20-12-1999. He filed O.A. 7833 of 1999 before the Tribunal challenging the punishment order. However, during the pendency of the O.A. the Appellate Authority on consideration of the appeal filed by the petitioner modified the punishment order and substituted the following punishment.

> *"P.P.I. for a period of one year without effect on his future increments and pension, the period spent under suspension treating it as 'not on duty' holds good"*

3. However, the learned Tribunal disposed of the O.A. directing the authority to treat the period of absence in accordance with F.R. 54-B (5) of the fundamental Rules, in view of the fact, that it is a minor punishment. Against the said order this Writ Petition is filed by the petitioner.

4. In view of the order passed by the appellate authority, the order of the disciplinary authority gets substituted by the order of the appellate authority as referred to above.

5. Under these circumstances the challenge to the original order stands abated and the writ petition is disposed of directing the disciplinary authority to treat the period of

suspension of the petitioner in accordance with F.R.54-B (5) within a period of two months from the date of receipt of a copy of this order. No order as to costs.

_____

G.Bikshapathy,J.

_____

P.S.Narayana, J.

3rd March, 2005

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Additional Director General of Police, Railways, A.P. Hyderabad.
2 The Director General AND Inspector, General of Police, A.P. Hyderabad.
3 The Superintendent of Police, Railways, Guntakal, Anantapur District.
4 The Superintendent of Police, Vijayawada, Krishna District.
5 The Principal Secretary,Government of A.P., Home Police, .

Department, Secretariat, Hyderabad.

6. 2 CCs to G.P. Home, High Court Buildings, Hyderabad, (OUT)

7. 2 CD copies

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

-

-

-

-

-

-

-

-

-

-

-

-

WRIT PETITION NO : 3127 of 2005

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

3rd March, 2005.